

**FOR IMMEDIATE RELEASE**  
**Friday, July 2, 2004**

**R-2532**  
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**LABOR BOARD DENIES REQUESTS FOR  
EXTENSIONS OF TIME TO FILE AMICUS BRIEFS IN  
TWO CASES INVOLVING NEUTRALITY AGREEMENTS**

The National Labor Relations Board today issued an order denying requests for extensions of time to file briefs in *Dana Corporation* (8-RD-1976) and *Metaldyne Corporation* (6-RD-1518 and 1519), consolidated cases involving neutrality agreements.

Previously, on June 7, the Board granted the petitioners' requests for review and motion that the Board solicit amicus briefs in these cases. On June 15, the Board formally issued the notice inviting parties and interested amici to file briefs on the issues raised. The notice gave a deadline of filing such briefs on or before July 15, 2004 and that they should not exceed 50 pages in length. The notice stated further that the parties may file responses to these briefs on or before July 29, 2004 and that no other responsive briefs will be accepted.

The full text of the Board's order denying requests for extensions of time is attached.

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**UNITED STATES OF AMERICA**

**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**DANA CORPORATION**  
**Employer**

**and**

**Case 8-RD-1976**

**CLARICE K. ATHERHOLT**  
**Petitioner**

**and**

**INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT**

**WORKERS OF AMERICA, AFL-CIO  
Union**

**METALDYNE CORPORATION (METALDYNE  
SINTERED PRODUCTS)  
Employer**

**and**

**Cases 6-RD-1518  
6-RD-1519**

**ALAN P. KRUG AND JEFFREY A. SAMPLE  
Petitioners**

**and**

**INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA, AFL-CIO  
Union**

## ORDER

The Board has considered the General Counsel's request for an extension of time to file amicus brief; the Employers', AFL-CIO and UAW's concurrences; and the Petitioners' opposition. We deny the requests for an extension of time. When the Board issued the order of June 14, the Board knew full well the nature of the issue and the potential significance of same. With that in mind, the Board gave 30 days for receipt of briefs, and expressly stated that there would be no extensions of time for the receipt of briefs. If we had thought that this amount of time would give "short shrift" to the issues, we would not have entered that order.

The requests herein raise nothing new, and neither do our dissenting colleagues. For example, there is no contention that there is illness, personal problem, or other unforeseen events.<sup>1</sup> In sum, these requests are essentially a request that the Board reconsider its original order. We see no basis for doing so.

By direction of the Board:

Members Liebman and Walsh dissenting:

We would approve the requests for extensions of time. True, the Board's order stated that no extensions of time would be granted, and we fully believe that the Board should follow through on what it says. But this is not the normal case, and the normal practice should not be followed inflexibly where to do so would be counter-productive. Here, the Board's grant of review contemplates possible sea changes in the law. These cases address the most fundamental issues arising under the Act. Their resolution will undoubtedly have an impact on the future of collective bargaining in this country. With issues of this significance, we should not appear to be giving the parties short shrift. Accordingly, we would give parties and interested amici another 30 days to submit briefs that will carefully and insightfully address these issues.

Dated, Washington, D.C., July 2, 2004

Lester A. Heltzer  
Executive Secretary

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<sup>1</sup> The 2 week shutdown of the automobile industry is hardly a personal problem of counsel.